



# California Regional Water Quality Control Board

## San Diego Region

Winston H. Hickox  
Secretary for  
Environmental  
Protection

Internet Address: <http://www.swrcb.ca.gov/rwqcb9/>  
9174 Sky Park Court, Suite 100, San Diego, California 92123  
Phone (858) 467-2952 • FAX (858) 571-6972



Gray Davis  
Governor

December 20, 2001

**Certified Mail, Return Receipt Requested**  
**7099 3400 0017 1547 6128**

Mr. Rick McPherson  
Plant Manager  
Danone Waters of N.America  
11811 Highway 67  
Lakeside, CA 92040

File No. 02-0004.02

Dear Mr. McPherson:

ADOPTION OF ORDER NO. 2001-351, "ADMINISTRATIVE ASSESSMENT OF CIVIL LIABILITY AGAINST DANONE WATERS OF NORTH AMERICA, (PREVIOUSLY SPARKLETT'S DRINKING WATER CORPORATION), FOR FAILURE TO PAY ANNUAL FEES"

Enclosed is a copy of Administrative Civil Liability Order No. 2001-351, adopted by the California Regional Water Quality Control Board, San Diego Region (Regional Board) on December 12, 2001, for the amount of \$1,980.

In accordance with Order No. 2001-351, Danone Waters of North America shall pay \$1,980 to the State Water Resources Control Board. The Regional Board has received this payment on November 13, 2001, when you paid the amount of \$1,980 proposed in Complaint No. 2001-329. The Regional Board considers this matter finished and the assessment of liability in Order No. 2001-351 paid.

If you have any questions, please contact Mr. Vicente Rodriguez of my staff at (858) 627-3940.

Respectfully,

JOHN H. ROBERTUS  
Executive Officer

Enclosure: Administrative Civil Liability Order No. 2001-351

JHR:mpm:vrr

***California Environmental Protection Agency***

*The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at <http://www.swrcb.ca.gov>.*

Recycled Paper



Mr. McPherson

- 2 -

December 20, 2001

cc w/enclosure: Mr. John Richards, Esq., SWRCB  
P.O. Box 100, Sacramento, CA 95812

***California Environmental Protection Agency***



*Recycled Paper*

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN DIEGO REGION**

**ORDER NO. 2001-351**

**ADMINISTRATIVE ASSESSMENT OF CIVIL LIABILITY  
AGAINST  
DANONE WATERS OF NORTH AMERICA  
(PREVIOUSLY SPARKLETTS DRINKING WATER CORPORATION)  
FOR FAILURE TO PAY ANNUAL FEES**

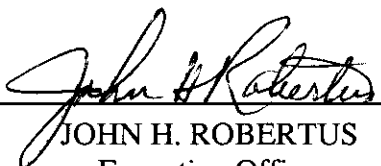
The California Regional Water Quality Control Board, San Diego Region (hereinafter Regional Board), finds the following:

1. The discharger, Danone Waters of North America (previously known as Sparkletts Drinking Water Corporation) has violated Section 13260(d) of the California Water Code which requires that each person for whom waste discharge requirements have been prescribed pursuant to Water Code Section 13263 shall pay an annual fee according to a fee schedule established by the State Water Resources Control Board (State Board). The discharger's fees in this matter are in the amount of \$900 that was due on November 27, 2000.
2. In *Complaint No. 2001-329 for Administrative Civil Liability* the Executive Officer proposed imposition of civil liability in the amount of \$1,980 for the violation alleged in Complaint No. 2001-329.
3. The discharger has waived the right to request a hearing on this matter before the Regional Board.
4. The discharger has paid the proposed amount of \$1,980 to the State Water Resource Control Board on November 13, 2001.
5. The Regional Board gave notice to the public for a comment period that the Regional Board would consider assessing administrative civil liability (ACL) based on the issuance of Complaint No. 2001-329 for violations of California Water Code Section 13260, failure to pay annual fees. The Regional Board held a hearing to solicit public participation in this matter, and considered the comments of interested persons regarding adoption of this Order.
6. The adoption of this Order is an appropriate resolution of the violations alleged in Complaint No. 2001- 329 because of the following reasons:
  - a. The discharger has waived its right to a hearing.

- b. The discharger took immediate actions to achieve compliance by paying \$900 for the FY2000 annual fee and \$900 for the FY2001 annual fee.
  - c. The assessment of \$1,980 is a sufficient amount of liability to deter this discharger and other dischargers from not paying annual fees in the future.
  - d. The assessment of \$1,980 is consistent with the State Board enforcement assessment matrix for violations characterized as Moderate compliance significance and Minor environmental significance.
7. The Regional Board incurred costs totaling \$1,280, which includes preparation of enforcement documents and public hearings.
8. This enforcement action is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, Division 13, Chapter 3, Section 21000 et seq.) in accordance with Section 15308, Chapter 3, Title 14 of the California Code of Regulations.

**IT IS HEREBY ORDERED**, that pursuant to Section 13261(b) of the California Water Code, that civil liability be imposed on the discharger, Danone Waters of North America (previously known as Sparkletts Drinking Water Corporation) in the amount \$1,980.

*I, John H. Robertus, Executive Officer, do hereby certify the foregoing is a full, true and correct copy of an order imposing civil liability assessed by the California Regional Water Quality Control Board, San Diego Region, on December 12, 2001.*

  
JOHN H. ROBERTUS  
Executive Officer